

FILED

NOV 21 2001

AT 8:30
WILLIAM T. WALSH
CLERK

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ZEV WACHTEL and LINDA WACHTEL,
individually and on behalf of their minor son,
TORY WACHTEL,

Plaintiffs,

-against-

GUARDIAN LIFE INSURANCE COMPANY
OF AMERICA, PHYSICIANS HEALTH
SERVICES, INC. and PHYSICIANS HEALTH
SERVICES OF NEW JERSEY, INC.

Defendants.

Civil Action No.: 2:01-cv-4183 (FSH)

CONSENT ORDER

ENTERED
ON
THE DOCKET

NOV 27 2001

By WILLIAM T. WALSH, CLERK
(Deputy Clerk)

THIS MATTER having been brought before the Court by Defendants Physicians Health Services, Inc. and Physicians Health Services of New Jersey, Inc., (collectively, "PHS") via their counsel, McCarter & English, LLP, Defendants PHS and Guardian Life Insurance Company of America, by its counsel, DelMauro, DiGiamo & Knepper, P.C., and Plaintiffs Zev and Linda Wachtel, via their counsel, Sills Cummis Radin Tischman Epstein & Gross, P.A., agree that the motion to dismiss the complaint filed by defendant PHS has been withdrawn by Defendants because Plaintiffs have agreed to file an amended complaint that will raise exclusively federal law claims under 29 U.S.C. § 1001 et seq. ("ERISA"); and because Plaintiffs are filing an amended Complaint, Defendants are not required to answer or otherwise move regarding Plaintiffs' initial state law complaint.

IT IS on this 20 day of November, 2001,

ORDERED that Defendant PHS' motion to dismiss the complaint is hereby withdrawn.

FAITH S. HOCHBERG, U.S.D.J.

We hereby consent to the form
and entry of the foregoing Order:

SILLS CUMMIS RADIN TISCHMAN
EPSTEIN & GROSS, P.A.
One Riverfront Plaza
Newark, N.J. 07102
(973)643-7000
Attorneys for Plaintiffs

By:

Barry M. Epstein

DEL MAURO, DIGIAMO & KNEPPER, P.C.
8 Headquarters Plaza
North Tower
Morristown, NJ 07960
(973)292-2277
Counsel for Defendant Guardian Life

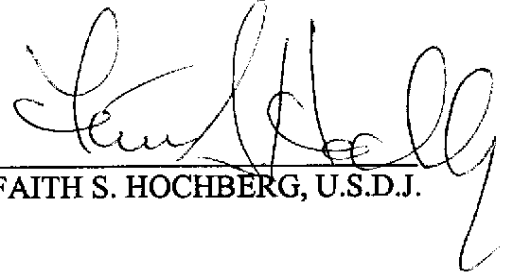
By:

Peter J. Heck

MCCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
P.O. Box 652
Newark, NJ 07101-0652
(973)622-4444
Counsel for Defendant PHS

By:

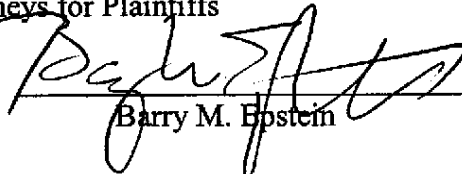
Katie A. Gummer


FAITH S. HOCHBERG, U.S.D.J.

We hereby consent to the form
and entry of the foregoing Order:

SILLS CUMMIS RADIN TISCHMAN
EPSTEIN & GROSS, P.A.
One Riverfront Plaza
Newark, N.J. 07102
(973)643-7000
Attorneys for Plaintiffs

By:


Barry M. Epstein

DEL MAURO, DIGIAMO & KNEPPER, P.C.
8 Headquarters Plaza
North Tower
Morristown, NJ 07960
(973)292-2277
Counsel for Defendant Guardian Life

By:

Peter J. Heck

MCCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
P.O. Box 652
Newark, NJ 07101-0652
(973)622-4444
Counsel for Defendant PHS

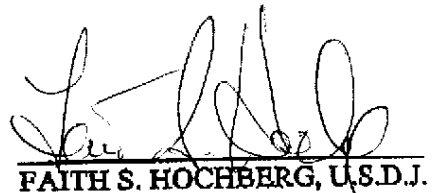
By:

Katie A. Gummer

11/13/01 TUE 20:22 FAX 1 973 643 6500

S.C.Z.R.T.E&G#3

003


FAITH S. HOCHBERG, U.S.D.J.

We hereby consent to the form
and entry of the foregoing Order:

SILLS CUMMIS RADIN TISCHMAN
EPSTEIN & GROSS, P.A.
One Riverfront Plaza
Newark, N.J. 07102
(973)643-7000
Attorneys for Plaintiffs

By: _____
Barry M. Epstein

DEL MAURO, DIGIAMO & KNEPPER, P.C.
8 Headquarters Plaza
North Tower
Morristown, NJ 07960
(973)292-2277
Counsel for Defendant Guardian Life

By: _____
Peter J. Heck

MCCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
P.O. Box 652
Newark, NJ 07101-0652
(973)622-4444
Counsel for Defendant PHS

By:  _____
Katie A. Gummer